

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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YVONNE M. ABHYANKAR by KASHI
BEHRSTOCK, as agent, and KASHI
BEHRSTOCK,

Plaintiff,

18 **CIVIL** 9411 (PKC)

-against-

JUDGMENT

JPMORGAN CHASE, N.A.,

Defendant.
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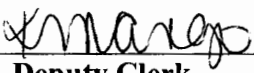
It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated July 15, 2020, limitations on a person's unfettered right of access to her own funds on deposit with a bank to use when she chooses in the manner she chooses are not to be lightly implied into the relationship between a bank and its customer. But that individual freedom to act may leave a person open to making regrettable decisions or becoming victim to fraud and deceit, as was the case here. To guard against this danger, Article 81 of New York's Mental Hygiene Law permits family members to seek the judicial appointment of a guardian to manage the financial affairs of an adult. This requires a judicial finding by clear and convincing evidence that the adult has an incapacity and is likely to suffer harm because of an inability to manage her property. In the proceeding, the affected adult is entitled to due process of law, including appointed counsel if she cannot afford counsel. Families often arrive at less intrusive arrangements with the consent of the affected adult. Beyond that, the matter is best left to further legislation, or, if appropriate, administrative rulemaking. Defendant's motion for summary judgment is GRANTED and the plaintiffs' motion is DENIED; accordingly, the case is closed.

Dated: New York, New York
July 15, 2020

RUBY J. KRAJICK

Clerk of Court

BY:



Deputy Clerk